

RECEIVED

JUN 30 2006

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 74-02336
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: A. Leroy and Phoebe Bird
Address: P.O. Box 27; Tendoy, Idaho 83468

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

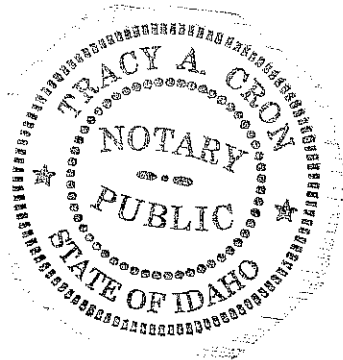
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2006



Tracy A. Cron
Tracy A. Cron

Notary Public for State of Idaho

Residing at: Meridian, Idaho

My Commission Expires: 08-22-2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 6-28, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

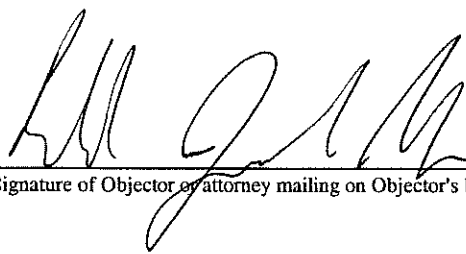
Name: A. Leroy and Phoebe Bird
Address: P.O. Box 27; Tendoy, Idaho 83468
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-2336

NAME AND ADDRESS: PHOEBE BIRD
PO BOX 27
TENDON ID 83468

Mixed POUs:

-The places of use described below contains both private and public lands.

-Clarify such that it is clear only private land is intended.

A LEROY BIRD
PO BOX 27
TENDON ID 83468

SOURCE: MC DEVITT CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 08/03/1966

POINT OF

DIVERSION: T19N R23E S36 NESE Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

3/15 11/15

2.280 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

Mixed	T16N R24E S06	SWNE	12.00	T16N R24E S06 Lot 1 NWNW	7.00
	T16N R24E S06 Lot 2 SWNW		21.00	T16N R24E S06	SENW 37.00
Mixed	T16N R24E S06	NESW	8.00	T16N R24E S06 Lot 3 NWSW	29.00

114 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

TOWNSHIP 18 NORTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

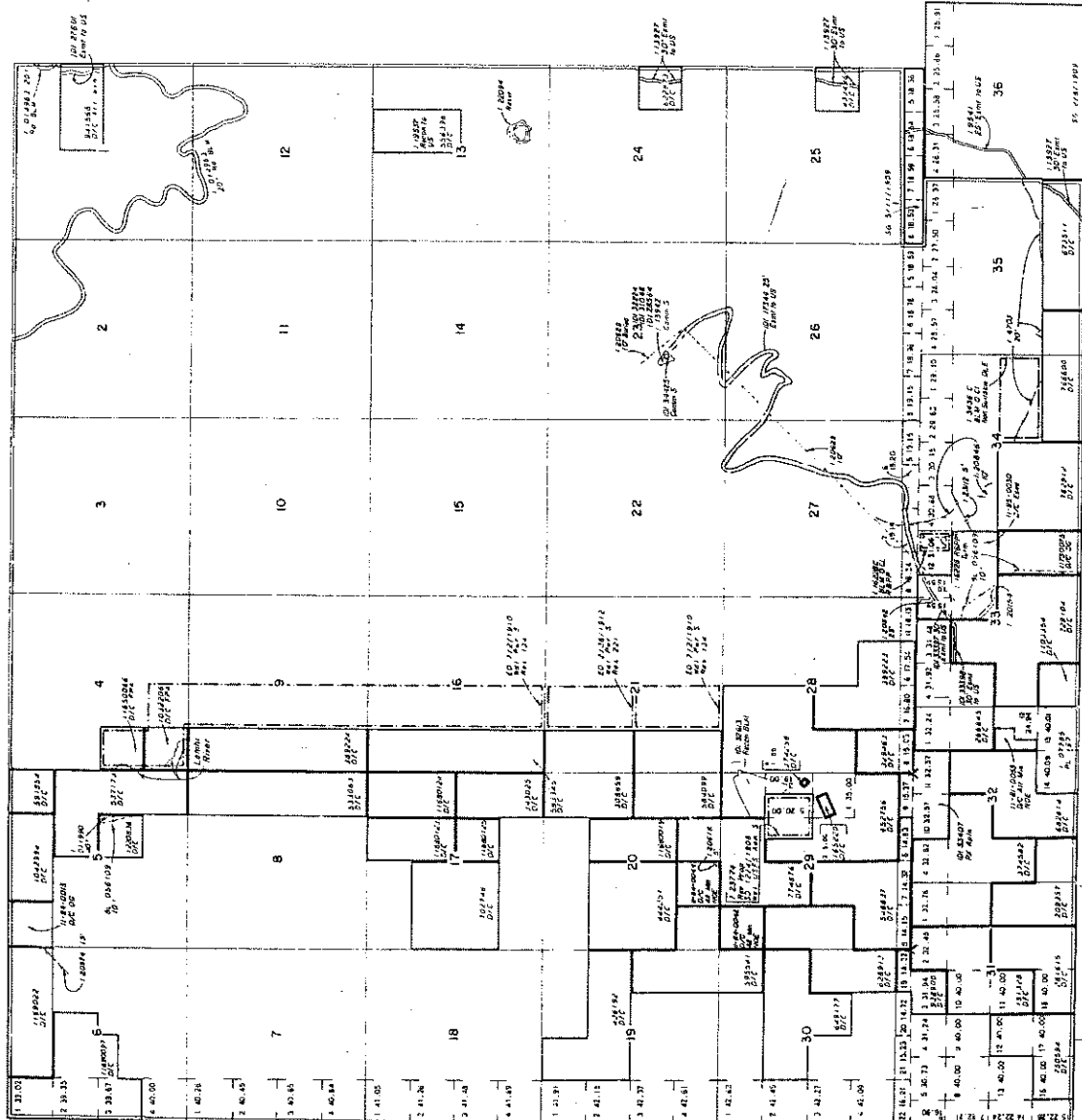
LEMHI COUNTY 059
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	18	24	1
2	18	24	2
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30 11/1/1933 Deed to Entry Sub. to Sec 24 19A
Act 1 11/1/1933 11/1/1933
Sec 24 19A
1 10/23/1933 Deed to Entry Sub. to Sec 24 19A
completed 10/23/1933. All of surface apt. by B.W.
19A 11/1/1933 11/1/1933 11/1/1933 11/1/1933
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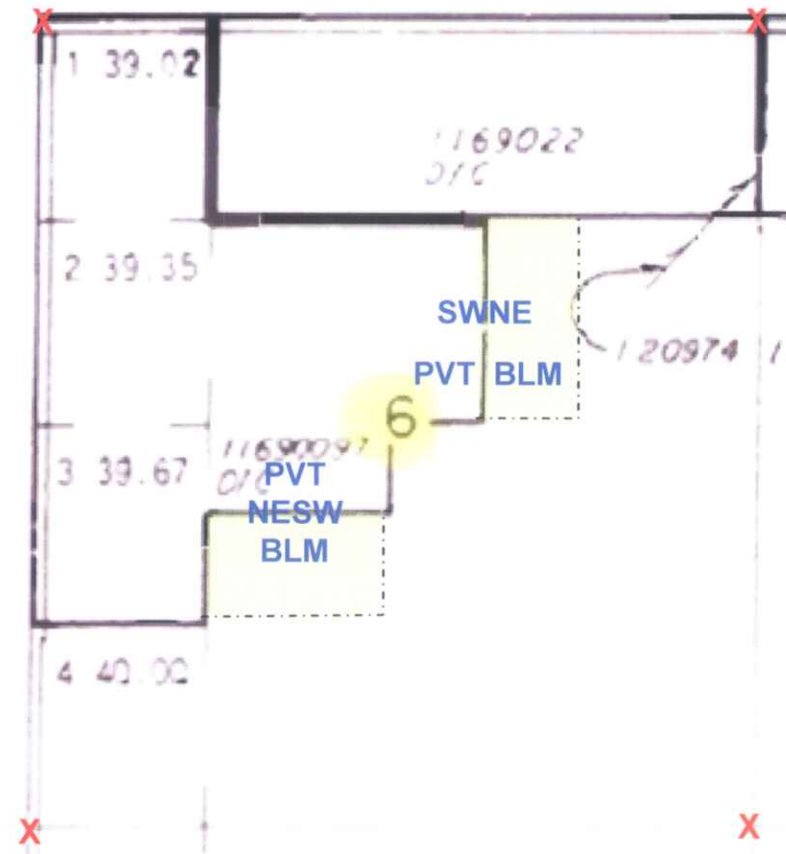
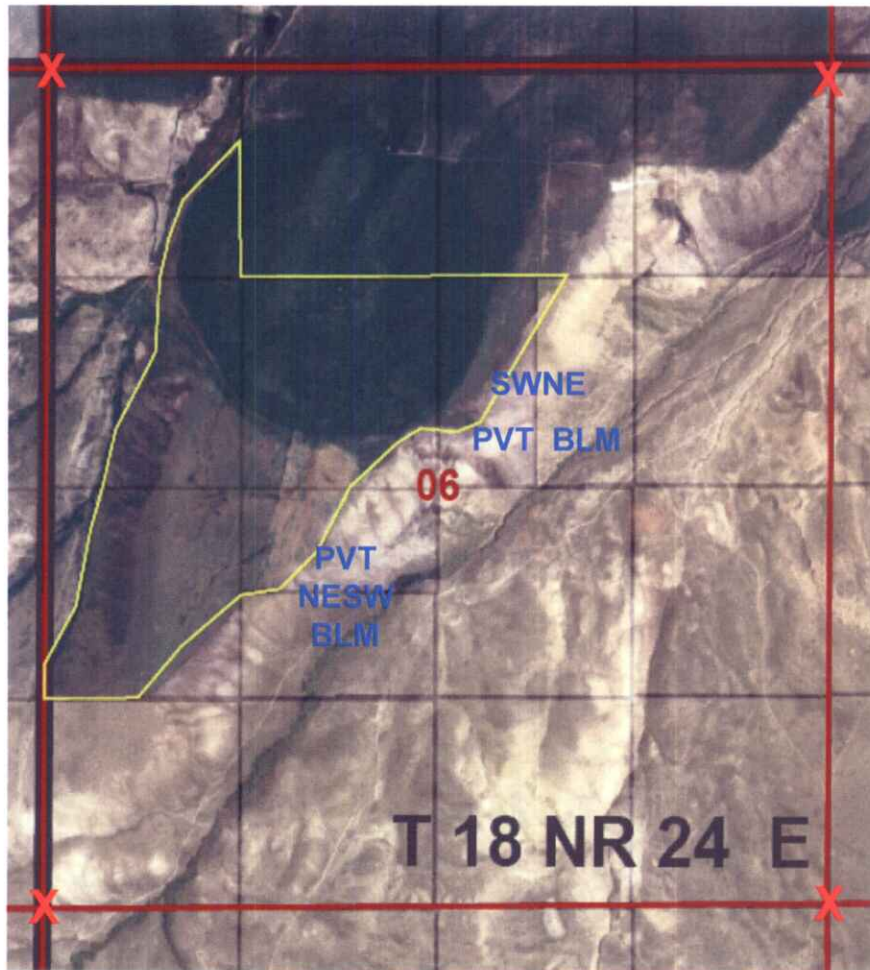
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNDEVELOPED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

THIS PLAT, AS A PUBLIC DOCUMENT, IS HEREBY
CERTIFIED TO BE A TRUE AND CORRECT
REPRODUCTION OF THE ORIGINAL PLAT, AS
FILED IN THE PUBLIC DOMAIN OFFICE, SALMON,
IDAHO, FOR THE RECORDS OF THE PUBLIC DOMAIN.

SCALE IN CHAINS
0 10 20 30 40
MILES

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER

74-02336



Since S06 SWNE and NESW contains both private and public lands, please insert the following language under place of use to clarify these POUs such that only private land is intended:

"Place of use does not include federal public lands."

- Adjust shape to exclude public lands.